

REMARKS

Claims 14-16 are pending and under consideration in the above-identified application. Claims 1-13 were withdrawn in a previous amendment.

In the July 11, 2008 Office Action, claim 14 was rejected and claims 15-16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim 14.

Initially, the Applicant thanks the Examiner for acknowledging the patentable subject matter of claims 15-16. In accordance with the Examiner's suggestions, Applicant has rewritten claim 15 to be in independent form and to include all the limitations of base claim 14. Applicant has also amended claim 15 to clarify that the "electrical signals [are] being generated by at least one pressure transducer configured to transduce the pressure values of the fluid entering and exiting [the] pump..." Claim 15 was further amended to remove the redundant and unnecessary limitation that the "electrical signals" are correlated to actual pressure values of the fluid entering or exiting the pump.

Claim 16 depends from claim 15 as amended. Thus, claims 15-16 are both in condition for allowance.

Claims 1-13 have been canceled to permit the remaining claims 14-16 to proceed to issuance. However, the Applicant reserves the right to file the canceled claims in one or more divisional applications.

I. Objection To The Drawings

In the Office Action, the Examiner objected to the drawings, asserting that “the area where the fluid enters and exits the pump must be shown or the feature(s) canceled from the claims(s).” See, July 11, 2008 Office Action, pg. 2.

On August 21, 2008, the undersigned attorney for the Applicant contacted Examiner Dwivedi to discuss this objection to the drawings. The Examiner agreed that Fig. 5 (as submitted in Applicant’s April 3, 2008 Response to the Office Action dated October 3, 2007) identifies the inlet and the outlet of the pump as claimed by Applicants. Accordingly, the Examiner agreed to withdraw this objection to the drawings.

II. 35 U.S.C. § 102 Anticipation Rejection of Claim 14

Claim 14 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Rao et al.* (U.S. Pat. No. 4,575,313). Applicant respectfully traverses this rejection.

In relevant part, claim 14 as amended recites:

“a microprocessor having a control logic program configured to receive at least two electrical signals correlated to at least two pressure values, said electrical signals being generated by at least one pressure transducer configured to transduce the pressure values of the fluid entering and exiting said pump.”

This is clearly unlike *Rao*, which fails to disclose a microprocessor having a control logic program configured to receive at least two electrical signals correlated to at least two pressure values with the electrical signals being generated by at least one pressure transducer configured to transduce the pressure values of the fluid entering and exiting said pump. Instead, *Rao*

discloses a volume adjustment controller 8 which responds to pressure readings of a transducer 14 on the output or exit of a chamber 10 to control the volume adjustment means 6. See, *Rao*, Col 2:60 - Col. 3:2. *Rao* discloses that the volume adjustment means 6 uses a pump 44 “to bring the pressure in the chamber 10 up to or near the set point pressure as entered by the switch means 12.” See, *Rao*, Col 3:64 - Col. 4:3. Thereafter, the microcomputer 28 “takes control” and uses the output pressure readings from the chamber 10 to adjust a piston 24 within a cavity (i.e., within body 16 that is in fluid communication with the chamber 10) to vary the pressure in the chamber 10. See, *Rao*, Col 4:3-40.

Thus, the *Rao* transducer 14 measures the fluid pressure output of the chamber 10 and not the output or exit pressure of the pump 44 that brings the chamber 10 up to the selected set point as disclosed in *Rao*. However, assuming *arguendo* that the transducer 14 that is disposed on the fluid output or exit of the chamber 10 in *Rao* may be viewed as transducing the pressure value of the fluid exiting the pump, nowhere does *Rao* teach or fairly suggest that the transducer 14 or another transducer also transduces the pressure value of the fluid entering the pump as required by claim 14.

As the Applicant’s specification discloses, by providing a microprocessor having a control logic program configured to receive at least two electrical signals correlated to at least two pressure values, the electrical signals being generated by a pressure transducer configured to transduce the pressure values of the fluid entering and exiting the pump, the pump is controlled with greater precision and less complexity. See, U.S. Pat. Pub. 2004/0219025, Para. [0018]. Since *Rao* does not provide a control sequence which maintains the entering and exiting pressure of the pump, it does not provide the same benefit.

Therefore, because *Rao* fails to disclose or even fairly suggest all the features of claim 14, the rejection of this claim is improper.

III. Conclusion

In view of the above amendments and remarks, Applicant submits that the claims 14-16 are allowable over the cited prior art and the present application is in condition for allowance, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: September 2, 2008

By: /Thomas J. Burton/
Thomas J. Burton
Registration No. 47,464
SONNENSCHN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000